
From: donotreply@sdonecall.com[SMTP:DONOTREPLY@SDONECALL.COM]

Sent: Tuesday, January 20, 2015 1:42:06 PM

To: PUC Docket Filings

Subject: New One Call Complaint Form

Auto forwarded by a Rule

1. Action Requested By:

Complaint filed on behalf of or by: City of Brandon

Contact Person: Rollie Hoeke

Phone: 605-582-2273 **Ext:**

Street Address or PO Box: 205 E Elm St

City: Brandon

State: SD

Zip: 57005

Fax: 605-582-7493

Email Address: rhoeke@cityofbrandon.org

Date: 1/20/2015

2. Action Requested Against:

Name of excavator / facility operator: Krueger Excavating

Phone: 605-336-7616 **Ext:**

Street Address Or PO Box: 2400 N 4th Ave

City: Sioux Falls

State: SD

Zip: 57104

Fax: --

Email Address:

Is this party aware of your allegations?: No

Provide detail including whom you spoke with: The Public Works foreman talked with the operator from Krueger Excavating on 10/16/2015 at approximately 1:15 pm. When told is locate ticket had a start date of 01/20/2015, the operator said he 'didn't care what the start date was'. The Krueger operator then became very rude and offensive with using vulgar language when the Public Works foreman began taking pictures. The City foreman then left after taking pictures.

3. Basic Facts:

Street Address / location of alleged violation: 120 E Ponderosa Circle

City: Brandon

State: SD

Date of alleged violation: 01/16/2015

Time of alleged violation: 1:15 p.m.

Describe your allegation: The City received a SD One Call locate ticket on 01/15/2015 at approximately 9:00 am for 120 E Ponderosa Circle. On 01/16/2015 at approximately 1:15 pm, the City foreman went to start marking the City utilities. When the City foreman arrived, Krueger Excavating had an operator digging already. The City foreman informed the operator that the locate ticket start date was 01/20/2015 at 8:15 am. The operator then became very rude and offensive when the City foreman started taking pictures. The Krueger operator then stated that 'you are wasting tax dollars marking this'. The City foreman then left.

Do you believe the alleged violation to be intentional?: Yes

Why or why not?: Because of the Krueger operator's remark that he 'didn't care about the start date on the locate ticket'. Also, when Mr. Krueger responded to the 2014 violation, he stated that "Krueger Excavating installed or supervised all utilities being installed in the development and that they knew where all utilities were located." I don't believe this is a reason to not follow the rules set forth by SD One Call that everyone else is expected to follow.

4. Excavation / Locate Information:

Was a locate requested from SD One Call?: Yes

If a locate was requested:

Locate ticket #: 1501533688

Start date and time on ticket: 01/20/2015 8:15 a.m.

Did the excavator wait until the start date / time on the ticket before commencing excavation?: No

If no, when did excavation begin (date and time)?: 01/16/2015 1:15 p.m.

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?: Yes

Explain:

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?: NA

Were facilities marked?: Yes

Was the marking complete prior to the start time on the ticket?: Yes

Did the excavator pre-mark with white paint?: No

Was the facility marked accurately (within 18 inches)?: Yes

Did the excavator use reasonable care to maintain locate marks for the life of project?: Yes

Type of facility involved: NA

Operator of facility (if known): NA

Operator address (Street or PO Box):

City:

State:

Zip:

Phone: --

Depth of Cover:

Pressure:

Voltage:

of cable pairs:

5. Damages

Was the facility damaged?: No

If yes, provide detail and an estimate of damage:

Were damages on public right of way or private property?:

Was anyone injured as a result of facility damage?: No

If yes, provide detail:

Length of hospitalization:

Were there fatalities?: No

If yes, provide detail:

Was operator service affected?: No

If yes, provide detail (how many customers for how long):

Other information regarding injuries or damages:

6. Statutory Violation

Specific statute(s) or rule(s) you believe were violated: SDCL 49-7A-5

Other information to support your position: We have included a copy of the locate ticket and several pictures that were taken by us on 01/16/2015.